

Message Text

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FOR USDEL UNEP GCII

FOLLOWING SENT ACTION SECSTATE INFO BRASILIA, MOSCOW, STOCKHOLM,
RIO DE JANEIRO FROM USUN NEW YORK MAR 11 REPEATED YOU:

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SUBJ: WORKING GROUP ON REMOTE SENSING (WGRS): APPRAISAL

1. WGRS CONCLUDED ITS FINAL MEETING AT 2330 MARCH 5
AFTER LONG AND OFTEN INCONCLUSIVE DISCUSSIONS ON FINAL
SECTIONS OF ITS REPORT TO THE SCIENTIFIC AND TECHNICAL
SUBCOMMITTEE (STSC). NO AGREEMENT WAS REACHED ON RECOM-
MENDATION SECTION AND REPORT ENDS WITH TWO VERY GENERAL
"CONCLUSIONS".

2. THE REPORT ON THE WHOLE APPEARS TO BE A USEFUL
DOCUMENT THAT CAN BE DRAWN ON EXTENSIVELY IN SUPPORT OF
US POSITION AND IS CONSISTENT WITH THE DELEGATION'S
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INSTRUCTIONS (STATE 27866). THE TECHNICAL AND ORGANI-

ZATIONAL CHAPTERS COVER MUCH GROUND AND ARE GENERALLY RESPONSIVE TO THE MANDATE GIVEN TO THE WGRS BY THE STSC. THE KEY PARAGRAPHS IN THE LEGAL CHAPTER (USUN 724) REPRESENT A FAIRLY GOOD BALANCE. IT WAS ORIGINALLY PROPOSED THAT THE SECTION ON LEGAL ASPECTS SHOULD BE INCLUDED UNDER A BROAD CHAPTER HEADING COVERING A NUMBER OF FACTORS (TECHNICAL, SCIENTIFIC AND ORGANIZATIONAL AS WELL AS LEGAL) RELEVANT TO THE OPERATION OF A REMOTE SENSING SYSTEM. HOWEVER, TOWARD THE END OF THE MEETING PRESSURE DEVELOPED TO GIVE THE LEGAL SECTION A SEPARATE CHAPTER HEADING. IT WAS PUT IN AN ACCEPTABLE IF NOT THE MOST LOGICAL SEQUENCE IN THE REPORT. THE LEGAL CHAPTER AND THE LEGAL DISCLAIMER (USUN 725) PRETTY MUCH REFLECT OPPOSING POINTS OF VIEW IN THE WGRS.

3. CONCERN ABOUT LEGAL ASPECTS WAS ALWAYS EVIDENT AT BOTH THE TASK FORCE AND WGRS MEETINGS. MANY OF THE PROTRACTED DISCUSSIONS OVER TECHNICAL OR ORGANIZATIONAL CHAPTERS STEMMED FROM THIS CONCERN, ALTHOUGH THE FINAL WORDING IN MOST OF THE REPORT DOES NOT REFLECT IT. ON SEVERAL OCCASIONS THE PAINFULLY DRAFTED PARAGRAPHS 6 AND 7 OF THE LEGAL SECTION APPEARED TO BE JEOPARDIZED AS DISCUSSIONS ARISING FROM OTHER PARAGRAPHS OF THE REPORT TOUCHED UPON SENSITIVE LEGAL ISSUES.

4. BUT CONCERN OVER LEGAL ISSUES WAS COUNTERED BY FACT THAT MOST DELEGATIONS WERE FAVORABLY IMPRESSED BY REMOTE SENSING TECHNOLOGY AND DID NOT WANT ITS DEVELOPMENT HOBbled BY EXCESSIVE RESTRICTIONS. THUS, WHILE ALL BUT FEW DELEGATIONS ARE CONCERNED ABOUT THE THIRD PARTY DISTRIBUTION QUESTION, HARD BRAZILIAN POSITION EXTENDING TO ACQUISITION WAS NOT ENDORSED BY ANY OTHER DELEGATION DURING WGRS SESSION. SOME DELEGATIONS, NOTABLY SWEDES AND CANADIANS, TOOK MORE CAUTIOUS APPROACH TO LEGAL QUESTIONS DURING DISCUSSIONS THAN THEY HAD AT LAST YEAR'S MEETING OF WGRS.

5. US MADE TWO PRESENTATIONS THAT APPEARED TO BE VERY FAVORABLY RECEIVED. FIRST, BY THE US REPRESENTATIVE, SET FORTH US POSITION IN DETAIL; SECOND, BY PROFESSOR LIMITED OFFICIAL USE

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MACLEOD OF AMERICAN UNIVERSITY ON USE OF REMOTE SENSING DATA FOR RECOVERY OF RESOURCES IN SAHEL, MADE AN EXCELLENT IMPRESSION. IF BROUGHT HOME EFFECTIVELY POINT THAT BENEFITS OF REMOTE SENSING TECHNOLOGY IN MANY INSTANCES COULD BE DERIVED ONLY FROM REGIONWIDE APPLICATION. BRITISH REPRESENTATIVE AT ONE POINT ASKED RHETORICALLY HOW BENEFITS SUCH AS THOSE ILLUSTRATED BY MACLEOD COULD BE OBTAINED IF RESTRICTIONS ALONG LINES

OF BRAZILIAN DRAFT TREATY WERE IN FORCE. VISIT TO EROS DATA FACILITY AT SIOUX FALLS ALSO LEFT FAVORABLE IMPRESSION ON MANY DELEGATIONS.

6. FAILURE TO REACH AGREEMENT ON RECOMMENDATIONS WAS PERHAPS DUE IN PART TO VERY LATE HOUR AT WHICH SUBJECT CAME UP FOR DISCUSSION DURING FINAL SESSION. BOTH THE SPIRIT AND THE FLESH OF WORKING GROUP HAD BECOME TOO WEAK AFTER LONG AND HIGHLY CONTENTIOUS SESSION TO CONFRONT A SUBJECT THAT WOULD PROBABLY REQUIRE SEVERAL HOURS OF DISCUSSION. THE BODY OF THE REPORT, HOWEVER, DOES SUGGEST NUMBER OF PROPOSED ACTIONS FOR CONSIDERATION BY STSC, AND OF COURSE URGES LSC TO CONSIDER LEGAL ASPECTS OF REMOTE SENSING AS MATTER OF HIGH PRIORITY, TAKING INTO ACCOUNT WG'S REPORT.

7. THROUGHOUT TAKS FORCE MEETINGS AND IN EARLY STAGES OF WGRS SESSIONS, STRONG CONSENSUS SEEMED TO BE DEVELOPING FOR HOLDING OPEN OPTION FOR FURTHER MEETINGS OF WGRS. HOWEVER, WHEN SOVIET DELEGATION DID NOT WIN WIDE ACCEPTANCE FOR ITS PROPOSAL THAT WGRS SHOULD DISCUSS LEGAL ISSUES WITHOUT REFERENCE TO OTHER FACTORS, IT REVERSED ITS EARLIER POSITION ON THIS SUBJECT. IT DID SO BY RECOMMENDING DELETION OF ANY REFERENCE TO FUTURE MEETINGS OF WG IN A DRAFT PARAGRAPH COVERING LEGAL QUESTIONS. NO OTHER DELEGATION OBJECTED. THERE WAS FAIR AMOUNT OF SUPPORT FOR OUR VIEWS THAT IN ORDER TO COMPLY WITH ITS MANDATE WGRS HAD TO CONSIDER LEGAL ISSUES AS ONLY ONE OF NUMBER OF FACTORS. MOST DELEGATIONS WERE RELUCTANT TO SUPPORT A PROPOSAL THAT MIGHT BRING WGRS INTO CONFLICT WITH LEGAL SUBCOMMITTEE.

8. SOVIET DELEGATION WAS INTENT FOR A TIME IN EXPLOITING LIMITED OFFICIAL USE

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ITS FIVE DRAFT PRINCIPLES ON REMOTE SENSING AND LOOKED FOR EVERY OCCASION TO SUPPORT DISCUSSION OF LEGAL ISSUES. BUT THEY ALSO RESISTED SUGGESTED DRAFTING CHANGES FROM LATIN AMERICAN STATES THAT WOULD MERGE THEIR "PRINCIPLES" INTO ELABORATION OF A "LEGAL FRAMEWORK." THEY ARE PLAINLY CONCERNED ABOUT ACQUISITION ASPECTS OF BRAZILIAN TREATY AND ARE LOOKING FOR WAYS TO HEAD IT OFF. MODIFICATION OF THEIR PROPOSAL FOR GLOBAL REMOTE SENSING CENTER (USUN 638) WAS INCLUDED IN SECTION COVERING ROLE OF THE UN. BUT RUSSIANS GENERALLY HAD FEW CONSTRUCTIVE SUGGESTIONS TO PUT FORWARD.

9. SWEDISH POSITION THROUGHOUT TAKS FORCE AND WGRS MEETINGS WAS GENERALLY CONSTRUCTIVE. WGRS WAS ESTABLISHED LARGELY THROUGH SWEDISH INITIATIVE, AND SWEDES

TO AN IMPORTANT DEGREE HAVE IN PAST SET TONE FOR DISCUSSIONS ON LEGAL ISSUES. THEY ARE NOW ARGUING THAT A SOLUTION TO CONCERNS ARISING FROM REMOTE SENSING MIGHT BE FOUND MORE READILY THROUGH AN ORGANIZATIONAL RATHER THAN LEGAL APPROACH. SWEDISH WORKING PAPER CALLING ATTENTION TO FACT THAT REMOTE SENSING DATA RELATED TO "NATURAL FEATURES" OF MOST OF EARTH'S LAND MASS HAVE NOW BEEN PUT IN PUBLIC DOMAIN, AND POSSIBLE IMPLICATIONS OF THAT FACT FOR FUTURE CONSIDERATION OF LEGAL ISSUES, AT LEAST SUGGESTS FRESH APPROACH TO AN UNUSUALLY DIFFICULT PROBLEM. WE HAVE TOLD SWEDES THAT WE THINK IT WOULD BE USEFUL TO HOLD BILATERAL DISCUSSIONS ON ORGANIZATIONAL QUESTIONS BEFORE CONVENING OF STSC IN APRIL.

10. SOVIET DELEGATION OFFICER ALSO ASKED FOR CONSULTATION WITH US BEFORE FUTURE MEETINGS OF OSC BODIES WHERE REMOTE SENSING ON AGENDA FOR BETTER COORDINATION OF RESPECTIVE "SPACE POWER" POSITIONS.
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